



Missouri Department of Natural Resources

Water Quality Coordinating Committee Water Pollution Control Program

Meeting Minutes

July 15, 2003

WATER QUALITY COORDINATING COMMITTEE

Governor Office Building
200 Madison Street, Room 470
Jefferson City, Missouri

July 15, 2003
10:00 a.m.

MEETING AGENDA

Missouri River Fight, Bill Bryan, Attorney General's Office

Lakes of Missouri Volunteer Program: Past - Present - Future, Dan Obrecht, UMC
Tony Thorpe, LMVP

MoDNR Regional Office Changes, Kris Ricketts, Regional Office Coordinator, Water
Protection & Soil Conservation Division

Nonpoint Source Management Plan Revisions, Steve Bauguess, WPCP*

Other

Agency Activities

Meetings & Conferences

- * Many WQCC members were involved in developing Missouri's Nonpoint Source Management Plan. This document is periodically reviewed and updated. This year, the "Nonpoint Source Categories" section of the plan needs to be reviewed and amended to reflect current status of the conditions and regulations that impact these categories. The department is seeking input from members of the Water Quality Coordinating Committee and others in revising this statewide plan.

Please take a look at the eight categorical sections (Appendix E, Pages 185-392) before the July 15 WQCC meeting if you can so we can discuss these sections at the meeting. The most current copy of the Nonpoint Source Management Plan can be viewed or downloaded (be careful – it's long!) from the Department of Natural Resources' website. The following URL will link you to the Nonpoint Source Management Plan then select Appendices A-E of the plan:

<http://www.dnr.mo.gov/wpscd/wpcp/wpcnpsmp.htm>

MISSOURI WATER QUALITY COORDINATING COMMITTEE

July 15, 2003

Governor' Office Building
200 Madison Street, Room 470
Jefferson City, Missouri

MINUTES

Attendees:

Becky Shannon	DNR/WPSCD/WPCP	Tony Thorpe	Lakes of MO Volunteer Program
Darlene Schaben	DNR/WPSCD/WPCP	Dorris Bender	Independence Water Pollution Control
Glenn Lloyd	DNR/OAC/EAO	John Johnson	DNR/WPSCD/WPCP
Kris Ricketts	WPSCD Admin	Georganne Bowman	DNR/WPSCD/WPCP
Bill Bryan	AGO	Michael Heaton	DNR/WPSCD/NERO
Greg Anderson	DNR/WPSCD/WPCP	Bob Ball	USDA NRCS
Steve Bauguess	DNR/WPSCD/WPCP	Steve Taylor	Environmental Resource Coalition
Colleen Meredith	DNR/WPSCD/WPCP	Mary West	City of Moberly
Jeannette Schafer	EPA Region VII	Frank McDaniel	DNR/WPSCD/PDWP
Bob Steiert	EPA Region VII	Terry Timmons	DNR/WPSCD/PDWP
Pat Costello	EPA Region VII	Terry Frueh	DNR/GSRAD/WRP
Gayle Unruh	MoDOT	Floyd Gilzow	Upper White River Basin Foundation
Bob Hentges	MO Public Utility Alliance	Michael Bollinger	Ameren
Cindy DiStefano	MDC	Gail Wilson	DNR/WPSCD/WPCP
Angel Kruzen	Water Sentinel/Sierra Club	Nancy Giddens	Mo-Ag Industries Council
Kristi Dorge	DNR/OAC/EAO	Anne Peery	DNR/WPSCD/WPCP
Pete Davis	EPA Region VII	Mohsen Dkhili	DNR/WPSCD/WPCP
Donna Menown	DNR/WPSCD/WPCP	Cindy DeOrnellis	MDA
Priscilla Stotts	DNR/WPSCD/WPCP	Verel Benson	UMC – FAPRI
Dan Obrecht	Lakes of MO Volunteer Program	Sharon Clifford	DNR/WPSCD/WPCP
Ken Struemp	DNR/WPSCD/SWCP		

Becky informed the group that she is officially now the Chief of the WPCP's Planning Section. Greg Anderson is now the Unit Chief of the Planning Section's Nonpoint Source Unit. Greg previously worked in the department's Land Reclamation Program.

Missouri River Fight, Bill Bryan, Attorney General's Office

Bill explained what some of the issues are with the Missouri River. The Rainbow Smelt fish (approx. 3" long) is stocked in the reservoirs on the Missouri River mainstem. Wildlife feed on this fish and is the center of the economy in the upstream basin. This fish lays eggs in inches of the reservoir water in the spring. As the reservoir levels fluctuate, there is the threat of the loss of the spawn. Court orders were obtained for reservoirs upstream in Montana, South Dakota & North Dakota to stop the COE from releasing water. In order for Missouri & Nebraska to have enough water from the reservoirs to meet their needs, they got a court order requiring the COE to release water below Gavins Point (lowest dam in the river system). Montana also got a court order. Last year there were 28 days when there was not enough water to meet Missouri's needs. About a month ago, the 8th Circuit Court of Appeals issued a ruling in Missouri's favor. The Master Manual guides the COE on how to operate the reservoirs. The COE has been working on revising the Master Manual. The upstream states started litigation again this year. The American Rivers has filed a lawsuit in U.S. District Court in District of Columbia saying that the COE operations on the Missouri River violated the Endangered Species Act. The Court issued a preliminary injunction ordering the COE to reduce releases at Gavins Point Dam. Now, the Missouri River will be even lower this year than last. The water resources staff & economists approximate that there was \$7 million of impact costs

to Public Water Supply Districts in Missouri last year because of the low river levels. The Flood Control Act of 1944 is the law that governs the COE's activities on the Missouri River. The upstream states feel that the river should be managed for the contemporary needs of the basin not the Flood Control Act of 1944. But, until Congress says differently, the Act will be the law of the land. In the Act, Congress protected beneficial consumptive uses for domestic purposes. Because of this, Bill feels that the court would rule in Missouri's favor. The uses that Missouri has for water have priority over the uses for recreation upstream. The Least Tern & Piping Plover are the threatened and endangered species that are at the heart of the controversy. These birds require open sandbars for nesting. So, when the COE releases water upstream, low-lying nests are washed away. An option to save this species is to move the birds and eggs to a captive rearing center that is funded and operated by the government. Missouri feels that we need to do more to create habitat because the channel and flows do not go together. Data from USGS estimated use of water in 1995 show that Missouri uses 1% of the water used in the basin; NE uses 49% for irrigation. Missouri signed a Memorandum of Agreement with the Province of Manitoba stating they don't want Missouri River water pumped into the Hudson Bay. Bill showed pictures of other rivers and how usage and sediment has affected them. Bill says "It's all about the water." Questions can be directed to Bill at the Attorney General's Office at 751-8815 or at bill.bryan@mail.ago.state.mo.us.

Steve Taylor followed up with information from Missouri Corn Growers Association. Steve had just presented this information at a meeting in Washington, D.C. He felt that the 8th Circuit Court of Appeals has expressed the importance of the Master Manual. Steve said there has been talk of another 'preferred alternative' being proposed. The northern states want to keep the water for consumptive uses, mainly for recreation. The preferred alternative of the Master Manual is the spring rise and split navigation season. Concerns include flood control and navigation. The battle has been running for approximately 13 years. The COE is proposing a Modified Conservation Plan (MCP). It's saying that in a drought year water will be conserved in the reservoirs. This will have impacts. Steve felt it would violate the Flood Control Act. Steve showed information that by using a model and going back a few years, if this plan would have been in place, how the impacts could have been for a 7-year drought period. Under the current Master Manual plan, navigation would have been shut down for one year. If the MCP had been in place, there would have been no navigation for 5 of those 7 years. The Mississippi River is a very valuable economic engine for our country. Steve showed another chart for the Mississippi River with barge restrictions and using the COE data and DNR's model over a 100-year period that showed losses during a drought using the MCP.

The Missouri River Defense Fund is challenging the biological opinion. USFWS & COE didn't take into full account the native species that were introduced upstream in the basins. Steve felt that there are other ways to protect the endangered species without affecting the flow of the river.

The purpose of the Missouri River Defense Fund lawsuit is to force the examination of the sides and make decisions based on sound science. The American Rivers lawsuit is based on the Endangered Species Act. The 8th Circuit Court ruling was important because of the ruling in favor of navigation of flood control based on the Flood Control Act of 1944. Steve thought we are at a turning point where it will either end or go in a different direction. If you have any questions, contact Randy Asberry at (660) 273-2556.

Lakes of Missouri Volunteer Program: Past - Present - Future, Dan Obrecht, UMC; Tony Thorpe, LMVP
The Volunteer Program is coordinated through UMC and funded by EPA through DNR. The program began in 1992 with 4 lakes in Kansas City. The parameters monitored include secchi transparency, total nitrogen, total phosphorus, chlorophyll (to gauge algae), and suspended solids (brown from soil materials). Volunteers throughout the state collect eight lake samples between April and September. This helps determine what is going on in a lake and what is going on in the spring time because of rain and runoff. Volunteers process the samples; learn about lake ecology and water quality; educate other lake users; and generate data which contributes to

Missouri's 305(b) Report. Tony and Dan recruit new volunteers, provide supplies and training, pick up samples, perform analysis of samples, and generate LMVP products--annual report; newsletters (3 times/year); and do presentations.

Tony said that in 2003 they have grown to 100 volunteers that are sampling 85 sites on 40 lakes. There are 18 sample sites at Table Rock Lake and 5 sample sites at Lake of the Ozarks. There are several drinking water reservoirs in the program; several large recreational reservoirs; and several lakes within city or county parks. Over the last 13 years, volunteers have sampled 1200 gallons of water, measured 4.5 miles of water clarity (average 70 inches), and over 1000 hours of sampling. Sampling over the last 10 years has shown that phosphorus is declining in Table Rock Lake. Lake Taneycomo has shown a drop in chlorophyll. In 2002, nitrogen levels were higher in Mark Twain Lake.

Issues they are dealing with are how to grow the program and the budget at the same pace to keep volunteers; maintain interaction with volunteers while focusing energy on program growth; and getting the data to those who can use it. Data reports are available. You can also get on their mailing list if you request.

It costs approximately \$500 initially to supply each volunteer, then \$20 each consecutive year. Contact Dan or Tony if you have questions. The web site is www.lmvp.org.

MoDNR Regional Office Changes, Kris Ricketts, Regional Office Coordinator, Water Protection & Soil Conservation Division

Kris is now the division's Regional Office Coordinator. Kris explained that the JCRO was eliminated in the Governor's budget this year and officially closed in mid-June. The 17 counties were divided between the other regional offices. Cole, Callaway and Boone counties are now with the Northeast Regional Office. Seven administrative positions were cut.

In the past three fiscal years, JCRO had received approximately 4500 complaints. Just last year they received 824 complaints and did approximately 406 inspections per year in water pollution. These will now go to the other regions. They are looking at how to keep the level of services up. As Coordinator, Kris will look at how to increase efficiencies. They will also work with public information staff to get information out about what the regions do and contact information. Kris is at the central office and can be contacted at 526-4227. The new Regional Office boundary map is now available on Internet.

Nonpoint Source Management Plan (NPSMP) Revisions, Steve Bauguess, WPCP

Handout: State of Missouri Nonpoint Source Management Plan: Appendix E – Nonpoint Source Categories

The NPSMP was adopted in 1999. This year Appendix E will be revised. Steve requested assistance from the WQCC members to update each section. Comments/Revisions were requested to be sent electronically by the end of August. Comments will be sent to the Clean Water Commission for approval by the end of the year.

Steve went through each category and asked for volunteers. Steve said that if you have any information that would "strengthen" the document, please let him know.

Becky explained that the NPSMP is used to help determine how to direct 319 funding. If activities aren't discussed in the NPSMP, then 319 can't pay for it.

It was suggested to add Aquaculture and Irrigation.

Other

303(d) – Becky said that EPA extended the comment period on the 2002 303(d) List to August 15, 2003. Comments can be sent to Pat Costello at EPA.

A Notice of Intent to sue has been filed on EPA from the Coalition of the Environment regarding failure to comply with the CWA on water quality standards revisions in the state of Missouri. They have 60 days to resolve issues.

401 Nationwide Permits – The NWP conditions for 401 water quality certification in Missouri were resubmitted to the COE in early June and we have not yet heard if they have been approved.

Agency Activities

Terry Frueh – The State Water Plan is gearing up for big changes. They are still working on details.

Sharon Clifford – TMDL PAC meeting will be held today at 1:00.

Bob Steiert – There will be a STAR Seminar, August 13, at EPA. Cooperators and partners are invited. This is EPA's effort to bring research to people and people to research. Bob mentioned some topics of interest. Bob also mentioned there will be an Upper Mississippi River Basin Association Water Quality Task Force meeting on July 29-30 in Davenport/Moline. They will be discussing consistency on Big River. They will have the draft report (assessment, uses, methodology) available. Larry Shepard, EPA, is the contact.

Floyd Gilzow – The House and Senate last year created a Poultry Industry Committee for the purpose of evaluating impact of poultry industry on water quality. Floyd was elected as Chair of this committee.

Anne Peery – The TMDL Unit has been working on TMDLs that are scheduled to get out this year. Public meetings are being scheduled on Jacks Fork, Shoal Creek and Fellows-McDaniels Lake.

Georganne Bowman – The PL-566 grant has started. They are now convening the steering committee. Let Georganne know if you want more information.

Donna Menown – There has been a record number of citizens signed up for volunteer water quality monitoring training this year.

Bob Ball – The North Fork Watershed Conference will be held July 22 in Kirksville.

Becky Shannon mentioned that Randy Clarkson, Don Modesitt, and Ogle Hopkins of the Water Pollution Control Program, and Jerry Lane, Director of the Public Drinking Water Program will be retiring the end of August; and Ronnie Testerman will be retiring the end of July. Marty Kasper and Scott Williams have resigned from WPCP's Enforcement Section.

Anne Peery mentioned that there is a "Status of TMDLs" on the web. This shows a list of those being worked on and the status. The watershed maps are almost ready for the web. The TMDL brochure called "Watershed Protection" is now available.

Bob Steiert said that director of OWOW talked about her number one priority being to improve monitoring and assessment.